

IN THE CIRCUIT COURT FOR THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

HENRIETTA JOHNSON, MICHAEL ROBINSON,
and YVONNE BOOKER and next friend of C [REDACTED]
B [REDACTED]

Plaintiffs,

Vs.

CITY OF HAZELWOOD

Honorable Matthew Robinson, Mayor
Serve at: 415 Elm Grove Lane
Hazelwood, Missouri 63042

Edwin G. Calstrom, City Manager
Serve at: 415 Elm Grove Lane
Hazelwood, Missouri 63042

Carl Wolf, Chief of Police
Serve at: 415 Elm Grove Lane
Hazelwood, Missouri 63042

And

HAZELWOOD POLICE OFFICERS

Police Officer John Doe, DSN 0000
Serve at: 415 Elm Grove Lane
Hazelwood, Missouri

Police Officer James Doe, DSN 0000
Serve at: 415 Elm Grove Lane
Hazelwood, Missouri 63042

Sergeant Bob Doe, DSN 000
Serve at: 415 Elm Grove Lane
Hazelwood, Missouri 63042

Defendants.

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Cause No.

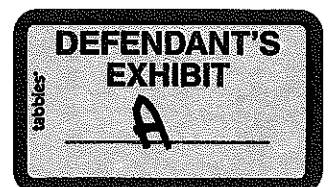
Division No.

Jury Trial Demanded

PETITION FOR WRONGFUL DEATH

13SL-CC03362

787-10010-0000-55



COMES NOW the Plaintiffs, Henrietta Johnson, Michael Robinson and Yvonne Booker and as next of friend of C ■■■ B ■■■ by and through their undersigned counsel of record, and for their cause of action against the above named Defendants state and allege as follows.

1. This action is instituted and prosecuted under and by virtue of section 537.080 et. seq. R.S.Mo. (1979) commonly known as the Wrongful Death Statute; Excessive Use of Force, denial of Medical Treatment and Bodily Integrity violations of the decedent.

2. The Plaintiff Henrietta Johnson is the mother of the decedent, Antonio Johnson, who at all times relevant to this action, is a resident of St. Louis County, Missouri respectfully.

3. The Plaintiff Michael Robinson is the father of the decedent, Antonio Johnson who at all times relevant to this action is a resident of St. Louis County, Missouri respectfully.

4. The Plaintiff Yvonne Booker is the mother of the decedent's 4 year old child, Chloe Booker, who at all times relevant to this action is a resident of the City of St. Louis, Missouri respectfully.

5. C ■■■ B ■■■ A ■■■ J ■■■ and T ■■■ J ■■■ are three of the surviving children of the decedent, Antonio Johnson, who at all times relevant to this action, are residents of St. Louis County, Missouri respectfully.

6. That venue is proper pursuant to section 508.010 RSMo and the Plaintiffs described herein are the proper parties to bring this action for the wrongful death of Antonio Johnson, the decedent.

7. The Defendants, Mayor Matthew Robinson, City Manager Edwin G. Calstrom and Police Chief Carl Wolf are sued in their official capacity as individuals comprising of City Officials for the City of Hazelwood and are sued as a result of their negligence in supervising their subordinates.

8. That Defendants, Police Officers John Doe, James Doe and Sergeant Bob Doe are sued in their individual capacity.

9. That Defendants, Police Officers John Doe, James Doe and Sergeant Bob Doe, as members of the Hazelwood Police Department, appointed by the Defendants Mayor Matthew Robinson, City Manager Edwin G. Calstrom and Police Chief Carl Wolf, are officers and employees of the City of Hazelwood and are paid a salary for their services and benefits that they confer upon the Defendants while working as police officers in their jurisdiction.

10. The Defendants, Police Officers John Doe, James Doe and Sergeant Bob Doe, who at all times relevant herein, are agents, servants, and employees of Defendants, Mayor Matthew Robinson, City Manager Edward G. Calstrom and Police Chief Carl Wolf, and were acting in the scope and course of that employment as police officers and, on the day of the incident herein described used excessive force in arresting the decedent.

11. That the Plaintiffs described herein are the proper parties to bring this action for Wrongful Death, including claims for use of excessive force, denial of medical attention and the decedent's right to bodily integrity.

12. That on July 9th, 2013, Hazelwood Police initiated a traffic stop on the decedent.

13. A struggle ensued at which time the arresting officer tased the decedent multiple times and called for backup.

14. Upon the two officers' arrival, they handcuffed and proceeded to beat the decedent rendering him unconscious.

15. Despite decedent's obvious, life-threatening injuries, officers transported the

decedent to Hazelwood City Jail instead of taking the decedent to the hospital for urgent care.

16. While held at the Jail, the decedent remained handcuffed and lay dying on the Jail floor for several hours prior to officers' requesting Ambulatory Services to transport decedent to DePaul Hospital where decedent died of his injuries.

17. That, as a direct and approximate result of the aforesaid actions of the Defendants and Defendants' agents, servants, and employees, the decedent was caused to suffer severe, painful and fatal injuries, that his ability to work, labor and enjoy life was permanently destroyed.

18. That, as a direct result of Defendants' actions and negligence, Plaintiffs have suffered the loss of love, loss of consortium, care, society, companionship, comfort, guidance, service, and support of the decedent all as a result of his injuries and death.

19. That, as a direct and approximate result of the aforesaid injuries and death of the decedent, Plaintiffs became obligated for necessary funeral and burial expenses in the amount of six thousand dollars (\$6,000) respectfully.

20. That, Plaintiffs pray for prejudgment interest pursuant to section 408.040 Revised Statute of Missouri.

21. Wherefore, plaintiffs pray for judgment against defendants and each of them in a sum in excess of twenty five thousand (\$25,000.00) and for such further fair and equitable relief that this court deems just and proper together with prejudgment interest.

COUNT II
NEGLIGENT HIRING

COMES NOW Plaintiffs Henrietta Johnson, Michael Robinson and Yvonne Booker and next friend of C [REDACTED] E [REDACTED] and for their cause of action against the Defendants Mayor

Matthew Robinson, City Manager Edwin G. Calstrom, Police Chief Carl Wolf, Police Officer John Doe, Police Officer James Doe and Sergeant Bob Doe, and for their cause of action in Count II states the following.

22. Plaintiffs re-allege and incorporate as if fully set forth herein the allegations in paragraph 1 through 21 in Count I.

23. Defendants Mayor Matthew Robinson, City Manager Edwin G. Calstrom and Police Chief Carl Wolf, have a duty to provide a responsible, effectively operating police department and they have a duty to set policies for the sound management and operation of the police department as well as the proper supervision of its officers and hire responsible officers.

24. The aforesaid beating death of the decedent and subsequent death was directly and proximately caused by the negligence and carelessness of the Defendants Mayor Matthew Robinson, City Manager Edwin G. Calstrom and Police Chief Carl Wolf in that Defendants were remiss in their responsibility to establish effective policies, procedures, and practices governing the City of Hazelwood Police Department including the hiring, retention, training, supervision, discipline and otherwise general control of the police officers employed by the City of Hazelwood.

25. By failing to act despite numerous instances of State Constitutional violative conduct by its officers, of which Defendants knew or should have known and tolerated thereafter, the Defendants caused the State Constitutional deprivations that decedent suffered herein.

26. In failing to hire, train, discipline, supervise, and enact effective policies related to the use of force, as described above, the Defendants intentionally disregarded known facts or alternatively were deliberately indifferent to a risk of the State Constitutional violation of which

they knew or should have known and thereby ratified the misconduct and the policies, customs and practices described above, caused the violation of the decedent's State Constitutional rights.

27. That, as a direct result of the aforesaid negligence and intentional acts of Defendants and Defendants' agents, servants, and employees, the decedent suffered fatal injuries and was cause to die.

28. Plaintiffs pray for prejudgment interest pursuant to section 408.040 Revised Statute of Missouri.

29. That, Plaintiffs pray for judgment against Defendants each of them in a sum in excess of twenty five thousand (\$25,000.00) and for such further and equitable relief that this court deems just and proper together with prejudgment interest.

COUNT III
NEGLIGENT SUPERVISION

COMES NOW Plaintiffs, Henrietta Johnson, Michael Robinson and Yvonne Johnson, and next friend of C ■■■ B ■■■ and for their cause of action against the Defendants Mayor Matthew Robinson, City Manager Edwin G. Calstrom, Police Chief Carl Wolf, Police Officer John Doe, Police Officer James Doe and Sergeant Bob Doe, and for their cause of action in Count III states the following.

30. Plaintiffs re-allege and incorporate as if fully set forth herein the allegations in paragraph 1 through 22 in Count I

31. Defendants Mayor Matthew Robinson, City Manager Edwin G. Calstrom and Police Chief Carl Wolf, have a duty to provide a responsible, effectively operating police department as well as the proper supervision of its officers.

32. The aforesaid beating death of the decedent was directly and approximately caused by the negligence and carelessness of the Defendants Mayor Matthew Robinson, City Manager Edwin G. Calstrom and Police Chief Carl Wolf in that Defendants were remiss in their responsibility to establish effective policies, procedures, and practices governing the City of Hazelwood Police Department including the effective supervision of its police officers.

33. By failing to effectively supervise the conduct of its officers, the decedent was caused to die.

34. In failing to supervise, discipline, and enact policies related to the effective supervision of its officers, Defendants intentionally disregarded known facts or alternatively were deliberately indifferent to a risk of the Constitutional violation of which they knew of should have known and thereby ratified the misconduct and the policies, customs and practices described above, caused the Constitutional violation of the decedent.

COUNT IV
ASSAULT AND BATTERY AGAINST DEFENDANT JOHN DOE
UNDER STATE LAW

COMES NOW Plaintiffs, Henrietta Johnson, Michael Robinson and Yvonne Booker, and as next friend of C [REDACTED] B [REDACTED], and for their cause of action against the Defendants, Mayor Matthew Robinson, City Manager Edwin G. Calstrom, Police Chief Carl Wolf, Police Officer John Doe, Police Officer James Doe and Sergeant Bob Doe, and for their cause of action in Count IV states the following.

35. Plaintiffs re-allege and incorporate as if fully set forth herein the allegations in paragraph 1 through 21 in Count I.

36. Defendant, Police Officer John Doe, acting jointly, in unison and with a singularity purpose with co-Defendants, Police Officers James Doe and Sergeant Bob Doe, beat
6.

and excessively tased the decedent without justification or legal cause.

37. The actions of Defendant, officer John Doe were unjustified, unwarranted and unlawful in that there were no immediate threat of harm to himself or others and the use of force upon the body of the decedent was excessive and in complete excess of any force that may have been justified to effectuate the arrest or detention of the decedent given the circumstances then and there existing.

38. Defendant Police Officer John Doe's actions were willful and wanton, carried out with actual or deliberate intention to harm with a complete indifference or reckless disregard for the decedent's and others' safety.

39. As a result of the actions of Defendant, Police Officer John Doe, the decedent sustained serious physical injuries that caused the decedent to die.

40. That, Plaintiffs pray for prejudgment interest pursuant to section 408.040 RSMo.

41. That prior to his death, the decedent suffered great pain and emotional distress.

COUNT V
ASSAULT AND BATTERY AGAINST DEFENDANT JAMES DOE
UNDER STATE LAW

COMES NOW Plaintiffs, Henrietta Johnson, Michael Robinson and Yvonne Booker and next friend of C ■■■ B ■■■ and, for their cause of action against the Defendants, Mayor Matthew Robinson, City Manager Edwin G. Calstrom, Police Chief Carl Wolf, Police Officer John Doe, Police Officer James Doe and Sergeant Bob Doe, and for their cause of action in Count IV states the following.

42. Plaintiffs re-allege and incorporate as if fully set forth herein the allegations in paragraph 1 through 21 in Count I.

43. Defendant, Police Officer James Doe, acting jointly, in unison and with a singularity of purpose with co-Defendants, Police Officer John Doe and Sergeant Bob Doe, beat and tased decedent excessively without justification or legal cause.

44. The actions of the Defendant, Officer James Doe, was unjustified, unwarranted and unlawful in that there was no immediate threat of harm to himself or others and the use of force upon the body of the decedent was excessive and in complete excess of any force that may have been justified to effectuate the arrest or detention of decedent given the circumstances then and there.

45. Defendant, Police Officer James Doe's actions were willful and wanton, carried out with actual or deliberate intention to harm with a complete indifference or reckless disregard for decedent's and others' safety.

46. That, Plaintiffs pray for prejudgment interest pursuant to section 408.040 RSMo.

COUNT VI
ASSAULT AND BATTERY AGAINST DEFENDANT BOB DOE
UNDER STATE LAW

COMES NOW Plaintiff, Henrietta Johnson, Michael Robinson and Yvonne Booker, and as next friend of C ■■■ B ■■■, and for their cause of action against the Defendants, Mayor Matthew Robinson, City Manager Edwin G. Calstrom, Police Chief Carl Wolf, Police Officer John Doe, Police Officer James Doe and Sergeant Bob Doe, and for their cause of action in Count VI states the following.

47. Plaintiffs re-allege and incorporate as if fully set forth herein the allegations in paragraph 1 through 21 in Count I.

48. Defendant Police Sergeant Bob Doe acting jointly, in unison and with singularity of purpose with co-Defendants Police Officer John Doe and Police Officer James Doe, tased

and beat the decedent excessively without justification or legal cause.

49. The actions of Defendant, Police Sergeant Bob Doe, were unjustified, unwarranted and unlawful in that there was no immediate threat of harm to himself or others and the use of force upon the decedent's body was excessive and in complete excess as of any force that may have been justified to effectuate the arrest or detention of decedent given the circumstances then and there existing.

50. That, Plaintiffs pray for prejudgment interest pursuant to section 408.040 RSMo.

COUNT VII
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

COMES NOW Plaintiff, Henrietta Johnson, Michael Robinson and Yvonne Booker and as next friend of C ■■■ B ■■■ and for their cause of action against the Defendants, Mayor Matthew Robinson, City Manager Edwin G. Calstrom, Police Chief Carl Wolf, Police Officer John Doe, Police Officer James Doe and Sergeant Bob Doe, and for their cause of action in Count VII states as follows.

51. Plaintiffs re-allege and incorporate as if fully set forth herein the allegations in paragraph 1 through 21 in Count I.

52. That, the seizure, beating and unlawful killing of the decedent by Defendants Police Officer John Doe, Police Officer James Doe and Sergeant Bob Doe, caused decedent's family to suffer emotional distress. Soon after his arrival at the hospital, the family of the decedent was contacted and informed that the decedent was in critical condition and urged to come to the hospital immediately.

53. That, shortly thereafter, the hospital again called decedent's family and informed them that decedent's condition had become even more grave.

54. That, upon arriving at the hospital and viewing the decedent, family members saw numerous cuts and lacerations on the decedent's wrists, face and head. There was a gaping hole in the decedent's head that had to be plugged with a surgical sponge to stop blood from gushing out. The sight of the decedent's condition traumatized his family members and threw them into shock and they continue to suffer from seeing the sight of injuries intentionally inflicted upon decedent.

55. The Plaintiffs pray for prejudgment interest pursuant to section 408.040 RSMo.

COUNT VIII
STATE CONSTITUTIONAL CLAIM
EXCESSIVE FORCE

COMES NOW Plaintiff, Henrietta Johnson, Michael Robinson and Yvonne Booker, and as next friend of C ■■■■■ B ■■■■■ and for their cause of action against the Defendants, Mayor Matthew Robinson, City Manager Edwin G. Calstrom, Police Chief Carl Wolf, Police Officer John Doe, Police Officer James Doe and Sergeant Bob Doe, and for their cause of action in Count VIII states as follows.

56. Plaintiffs re-allege and incorporate as if fully set forth herein the allegations in paragraph 1 through 21 in Count I.

57. That, the seizure, beating and unlawful killing of the decedent by Defendants, Police Officer John Doe, Police Officer James Doe and Sergeant Bob Doe were illegal and unreasonable, and deprived the decedent of his right to life under Missouri Constitution Article 1, Section 2, 10, and 14. The foregoing acts constitute a violation of and deliberate indifference to the decedent's state constitutional rights.

58. That Defendants, Police Officer John Doe, Police Officer James Doe and Sergeant Bob Doe acting together did tase and beat the decedent excessively and they did seize

the decedent in violation of decedent's state constitutional rights

59. Defendants, Police Officer John Doe, Police Officer James Doe and Police Sergeant Bob Doe's conduct were so outrageous and shock the conscience. As a direct result of the actions of Defendants', the decedent suffered an unreasonably and unjustified death in violation and Article I, Section 2, 10, and 14 to the Missouri State Constitution.

60. The Plaintiffs pray for prejudgment interest pursuant to section 408.040 RSMo.

COUNT IX
STATE CONSTITUTIONAL CLAIM
DENIAL OF MEDICAL ATTENTION

COMES NOW Plaintiff, Henrietta Johnson, Michael Robinson, Yvonne Booker, and as next friend of C [REDACTED] B [REDACTED] and for their cause of action against the Defendants, Mayor Matthew Robinson, City Manager Edwin G. Calstrom, Police Chief Carl Wolf, Police Officer John Doe, Police Officer James Doe and Police Sergeant Bob Doe, and for their action in Count IX states the following.

61. Plaintiffs re-allege and incorporate as if fully set forth herein the allegations in paragraph 1 through 21 in Count I.

62. The Defendants, Police Officer John Doe, Police Officer James Doe and Sergeant Bob Doe acted together and deprived the decedent of his right to medical attention when Defendants transported the decedent to the Hazelwood City Jail instead of the hospital knowing the decedent needed immediate medical attention, however, leaving the decedent to lay dying on the Jail floor for several hours before requesting Ambulatory Services. As a result of Defendants' cavalier attitude towards the decedent's serious medical needs, the decedent suffered unnecessary and wanton infliction of pain and died.

63. The Defendants, Police Officer John Doe, Police Officer James Doe and Sergeant

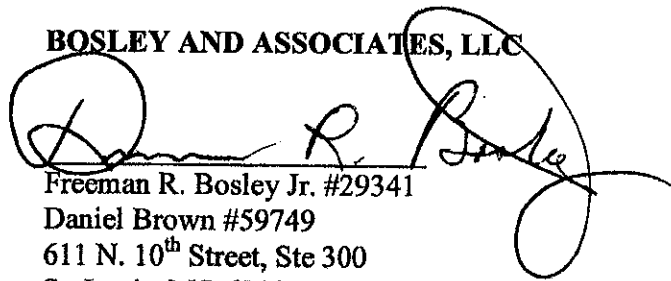
Bob Doe intentionally, unreasonably and illegally deprived the decedent of his right to receive medical treatment under Article 1, Section 2, 10 and 14 to the Missouri Constitution.

64. That, Plaintiffs pray for prejudgment interest pursuant to section 408.040 RSMo.

Wherefore, Plaintiffs pray for judgment against Defendants and each of them in a sum in excess of twenty five thousand dollars (\$25,000.00) and for such further and equitable relief that this court deems just and proper together with prejudgment interest.

Dated this 16th day of December, 2013.

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